

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
Civil Action No. 5:14-cv-00136-RLV-DSC

TOMMY R. COMBS,

Plaintiff,

vs.

ASHE COUNTY, *et. al*,

Defendants.

**ORDER**

**THIS MATTER** is before the Court on Florence C. Miller’s “Motion to Intervene ... and for Leave to Amend Complaint ...” (document #83) filed July 5, 2017, Defendants’ “Motion to Waive Initial Attorney’s Conference, for Pretrial Conference, and for Entry of Scheduling Order” (document #88) filed July 27, 2017, and the parties’ associated briefs and exhibits.

This matter was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636, and these Motions are now ripe for consideration.

For the reasons stated in Defendants’ briefs, (documents ## 33, 91 and 92) the Court concludes that the proposed intervention and amendment are futile. Accordingly, the “Motion to Intervene ... and for Leave to Amend Complaint ...” (document #83) is denied.

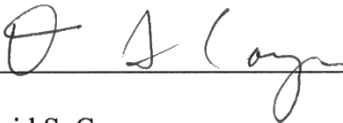
This matter is now ripe for entry of a scheduling order. Accordingly, Defendants’ “Motion to Waive Initial Attorney’s Conference, for Pretrial Conference, and for Entry of Scheduling Order” (document #88) is granted in part and denied in part. The Court will not conduct a Pretrial Conference at this point in the proceedings. Within fourteen (14) days of entry of this Order, the

parties shall conduct the Initial Attorney's Conference. If the parties are unable to agree to a joint Certification of Initial Attorney's Conference, they shall file their competing Certifications with proposed pretrial deadlines. Such Certification(s) shall be filed within twenty-one days of the date of this Order.

The Clerk is directed to send copies of this Order to pro se Plaintiff, counsel for Defendants, and to the Honorable Richard L. Voorhees.

**SO ORDERED.**

Signed: August 15, 2017

A handwritten signature in black ink, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer  
United States Magistrate Judge

